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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-00244 EMC
	)	
Plaintiff,	)	
	)	STIPULATION AND [PROPOSED]
v.	)	ORDER EXCLUDING TIME UNDER
	)	SPEEDY TRIAL ACT FROM AUGUST
MICHAEL ANTHONY NELSON,	)	29, 2012, THROUGH OCTOBER 17, 2012.
	)	
Defendant.	)	

With the agreement of the parties in open court on August 29, 2012, and with the consent of the defendant Michael Anthony Nelson, the Court enters this order (1) setting a status conference in District Court on October 17, 2012, at 2:30 p.m., and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from August 29, 2012, through and including October 29, 2012. The Court finds and holds, as follows:

1. New counsel, Kenneth Wine, was appointed by Magistrate Judge Elizabeth D. Laporte on August 27, 2012.

2. The parties appeared before District Judge Edward M. Chen on August 29, 2012. Counsel for the government informed the court that the government was re-producing discovery to new counsel. Counsel for defendant requested time to review the record and investigate the

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1 case.

2 3. The Court ordered that the status conference be continued to October 17, 2012, and  
3 that the parties return on that date to determine whether trial could go forward as scheduled on  
4 January 22, 2013.

5 4. Counsel for defendant requested that the period from August 29, 2012, through and  
6 including October 17, 2012, be excluded under the Speedy Trial Act to allow defense counsel  
7 time for preparation. The government agreed to the proposed exclusion of time.

8 5. The Court finds that, as of August 29, 2012, taking into account the public interest in  
9 the prompt disposition of criminal cases, granting the continuance from August 29, 2012,  
10 through and including October 17, 2012, is necessary for effective preparation of newly-  
11 appointed defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court  
12 finds that the ends of justice served by excluding the period from August 29, 2012, through and  
13 including October 17, 2012, outweighs the best interest of the public and the defendant in a  
14 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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6. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing on October 17, 2012, at 2:30 p.m., and (2) orders that the period from August 29, 2012, through and including October 17, 2012, is excluded from Speedy Trial Act computation under 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

IT IS SO STIPULATED.

Dated: October 17, 2012

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/  
MICHELLE J. KANE  
Assistant United States Attorney

Dated: October 17, 2012

/s/  
KENNETH WINE  
Counsel for Michael A. Nelson

IT IS SO ORDERED.

Dated: October 19, 2012

